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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,695	01/23/2006	Egbert Classen	2003P-00992WOUS	2665

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

LU, JIPING

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,695	Applicant(s) CLASSEN ET AL.	
	Examiner Jiping Lu	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Fig. 1 of the drawing filed 5/1/07 contains new matter that is not supported by the original filed disclosure. The specification and claims as filed on 1/23/06 show no support for such added detail illustration.. The new drawing must be limited to the disclosure as filed on 1/23/06.

Specification

2. The amendment filed 5/1/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the newly added detailed description of the present invention and the ensuing 4 pages of new specification constitute new matter. The following items are new matter not supported by the original specification and claims as filed on 1/23/06. The crockery baskets, vertically arranged heat tube, conduit system, upstream and downstream arrangement of heat tube, cold side of heat tube, program steps with various clean and rinse dry and pre-wash cycles, etc are new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed “no outside air being introduced into the treatment chamber and the conduit system” in claims 7 and 13 are new matter not supported by the original filed specification. .

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Dinh (U. S. Pat. 5,343,632).

Dinh shows a method for operating an appliance 230 comprising subjecting the items 244 retained in the appliance 230 to a drying step, conducting air (by fan 238) from a treatment chamber 234 via a conduit system 250 in which both ends of at least one heat pipe 252 protrude, conducting the air through the at least one heat pipe 252, recirculating the air back to the treatment chamber 234, during the passage of the air between its exit 248 of the treatment chamber and its recirculation to the treatment chamber 234, the air is cooled by condenser 260,

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moisture is removed from the air (via drain 258) and the air is subsequently reheated by heater 242 with no outside air being introduced into the treatment chamber and the conduit system (see abstract and col. 7, line 18 to col. 8, line 28). With regard to claim 13, the air recirculation is conducted during the drying cycle (col. 8, lines 6-10). With regard to the type of the appliance in claim 13, examiner does not give any patentable weight for the limitations in first five lines of claim 13. Moreover, the method of Dinh can be used for operating any type appliance including dishwasher with pre-wash, clean, intermediate rinse, clear rinse and dry programme.

7. Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al. (JP 53-36067).

Okamoto et al. show a method for operating an appliance (see Fig. 1) comprising subjecting the items A retained in the appliance to a drying step, conducting air (by fan 8) from a treatment chamber 1 via a conduit system 6, 7, 12, 11, 14 in which both ends of at least one heat pipe 19 protrude, conducting the air through the at least one heat pipe 19, recirculating the air back to the treatment chamber 1, during the passage of the air between its exit 5 of the treatment chamber 1 and its recirculation to the treatment chamber 1, the air is cooled by condenser 23, moisture is removed from the air (via drain 36) and the air is subsequently reheated by heater 14 with no outside air being introduced into the treatment chamber and the conduit system (see abstract and Figs. 1-3).

Response to Arguments

8. Applicant's arguments filed 5/1/07 have been fully considered but they are not persuasive. First, broad claims fail to define over the art. Broad claim 1 merely calls for a

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method of operating an appliance with a heat pipe, moisture removal and reheating air in a closed circuit operation (no outside air). This is clearly shown by the patents to Dinh and Okamoto. Second, the applicant argues the prior art Dinh patent is non-analogous art. The examiner disagrees because the broad claim 1 fails to include what the household appliance is. Dinh's device is also a household appliance. Moreover, Ding clearly teaches that household appliance could be a dishwasher (col. 8, lines 9-10). Lastly, the applicant argues that Okamoto patent uses outside air. The examiner disagrees because the air is being recirculated within the treatment chamber same as claimed. Moreover, the added limitation regarding no outside air is a negative limitation. The applicant must claim what his/her invention is and can not claim what is not his/her invention.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

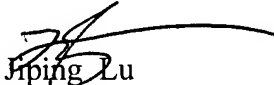
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEVEN B. MCALLISTER can be reached on 571 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.